

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

JOHNNY GROGAN

PETITIONER

V.

CIVIL ACTION NO. 3:13CV311 DPJ-FKB

TIMOTHY OUTLAW

RESPONDENT

ORDER

This cause came on this date to be heard upon the Report and Recommendation [11] of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge Ball recommended dismissal of Grogan's petition for writ of habeas corpus as untimely. Grogan did not file an Objection to the Report and Recommendation, and the time to do so has now passed.<sup>1</sup> The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the unopposed Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed with prejudice.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

**SO ORDERED AND ADJUDGED** this the 13<sup>th</sup> day of December, 2013.

s/ Daniel P. Jordan III  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Grogan also failed to respond to Respondent's motion to dismiss.